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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/224,340 12/31/98 DIMARCO M A62-17022-US

JOHN G SHUDY JR  
HONEYWELL INC  
HONEYWELL PLAZA P O BOX 524  
MN12 8251  
MINNEAPOLIS MN 55440-0524

MMC1/0517

EXAMINER

DINH, T

ART UNIT	PAPER NUMBER
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2841

DATE MAILED:

05/17/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/224,340	DIMARCO, MARIO
	Examiner Tuan T Dinh	Art Unit 2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

#### Status

- 1) Responsive to communication(s) filed on 31 December 1998.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 31 December 1998 is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) All b) Some \* c) None of the CERTIFIED copies of the priority documents have been:
1. received.
2. received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
3. received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

#### Attachment(s)

- 14) Notice of References Cited (PTO-892)
- 15) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 17) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 18) Notice of Informal Patent Application (PTO-152)
- 19) Other: \_\_\_\_\_

Art Unit: 2841

## DETAILED ACTION

### *Drawings*

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "318" has been used to designate both **screws to fastener the handle and jack screw as shown in figure 1**. Correction is required.

### *Specification*

The disclosure is objected to because of the following informalities:

Page 9, line 8, change "**holes 35 and 358**" to – holes 354 and 358 –

Page 10, line 11, change "**horizontal beam 308 and 352**" to – horizontal beam 308 and 336--.

Appropriate correction is required.

SAFEBU 5

The use of the trademark "**ARINC 600 connector**" has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear, because the amount of force is unit in pounds per square inches or yards.

Claim 8 is vague and indefinite because reference to an industry standard in a claim makes the claim inherently vague and indefinite as industry standards are subject to change and/or revision.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1, 2, 6-11, 13, 16-17, 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Pusateri et al (U. S. Patent 6,008,995).

Art Unit: 2841

As to claims 1, 13, Pusateri discloses a integrated modular cabinet (10) as shown in figures 1, 3a, 5-7 comprising a plurality of printed circuit board modules (130), and a chassis having a front and slots (18) to receive the modules. Also, the chassis has top, bottom, and side panels (column 3, lines 12-15, 27-32, column 4, lines 33-44, column 5, lines 1-54).

As to claim 2, Pusateri discloses the cabinet wherein each of the modules as shown in figures 5-7 comprises the face-plate (110) that has a first end and an opposite second end (116), and first and second screws (114).

As to claims 6-11, Pusateri discloses the cabinet wherein the module comprises a connector assembly (102), and the connector assembly includes a plurality of the connectors (shown in figures 5-7. Each of modules also comprises first and second printed circuit boards (shown in figure 6) that has a first end connected to the face-plate and opposite second end connected to the connector assembly. The first and second printed circuit boards are connected to the connectors with surface mounted leads at position 90 degrees.

As to claims 16-17, Pusateri discloses the cabinet wherein the top and bottom panels are configured with a plurality of ventilation holes (80) and each of holes is sized.

As to claims 19-20, Pusateri discloses the cabinet as shown in figures 1 and 7 wherein the top and bottom panels are configured with a plurality of guide rails, and each of one guide rail mounted on the top and bottom panels.

Art Unit: 2841

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14, 15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pusateri.

As to claims 14 and 15, Pusateri discloses and satisfies all of the limitation of the claimed invention, except for showing the interchangeable of the top and bottom panels and two side of the panels, where a part of the cabinet may be relocated without modification to the operation of the cabinet, such a relocation is considered to have been within the skill of art. *In re Japikse*, 86 USPQ 70 (1950).

As to claim 18, Pusateri discloses the cabinet including the hole and satisfies all of the limitation of the claimed invention, except for the size of the hole. It would have been obvious matter of design choice to make as small (diameter) as possible to reduce the amount of space, since such a modification would have involved a mere change in this size of the hole. The change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Art Unit: 2841

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pusateri et al (U. S. Patent 6,008,995) in view of Cracker (U. S. Patent 4,716,497).

As to claims 3 and 4, Pusateri discloses the cabinet comprising first and second screws, except for the first and second screws are jack screws and configured to clutch. Cracker teaches the module having a face plate (22) including the screws (60) configured as jack screw and clutch for fastening the printed circuit board module to the cabinet. It would have been obvious to one ordinary skill in the art at the time the invention was made to utilize the used screws of Pusateri and provide the jack screw and clutch for fastening the module to the rack of the enclosure as taught by Cracker.

As to claim 5, Pusateri discloses and satisfies the claimed invention except for the predetermined amount of force is about 70 pounds. It would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the force to fastening the screw on the module for secured the module within cabinet, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Art Unit: 2841

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pusateri in view of McKenzie (U. S. Patent 4,002,386)

Pusateri discloses and satisfies all of the claimed invention, except for the flexible handle mounted on the face plate of the module. McKenzie teaches the flexible handle (24) as shown in figures 2 and 3. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cabinet and provide the flexible handle to use to remove the module from the cabinet as taught by McKenzie.

Application/Control Number: 09/224,340

Page 8

Art Unit: 2841

***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be direct to Tuan Dinh whose telephone number is (703) 306-5856 or fax number (703) 305-3431. If attempts to reach the above noted examiner by telephone are unsuccessful, the examiner 's supervisor, Mr. Jeffrey Gaffin can be reached at (703) 308-3301.

**Tuan Dinh**

May 2000.



Jeffrey Gaffin  
Image Vision Patent Examiner  
Technology Center 2860